NOTES OF CASES.

Negligence of Bank Depositor.—The mistake of a bank depositor is the basis of an action in the New York Supreme Court which is said by the Appellate Division to have no controlling precedents so far as discovered. The title of the case, reported in 119 New York Supplement, 763, is Schwartz *v.* State Bank. Plaintiff, who was a customer of defendant bank, took several checks to it to be deposited, but by mistake turned them in with a deposit slip headed with the name of another customer of the bank. The receiving teller entered the aggregate amount of the checks on plaintiff's bank book, but, in the course of its ordinary method of transacting business, the bank credited the deposit to the customer whose name appeared on the deposit slip. The mistake was discovered when a statement of Schwartz's account was made out, and he brought action against the bank to recover the amount of the deposit. The court held, however, that a customer's bank book did not constitute an account between him and the bank, and that the mere fact of his paying funds into the bank did not necessarily create the relation of debtor and creditor; that the turning in of the deposit on the slip of another customer amounted to a direction to enter it to his credit; that the loss resulted from plaintiff's own negligence, and consequently gave him no right of recovery.

Restraining Vacation of Divorce Decree.—Grace B. Wahl, defendant in Guggenheim *v.* Wahl, 122 New York Supplement, 941, was married in November, 1900, to William Guggenheim, from whom she obtained a divorce in Illinois in the following March, he personally appearing in the action and paying her $150,000 in lieu of alimony. The next December she married Wahl. This marriage was subsequently declared illegal and void by the courts of France. After having supposedly settled his matrimonial troubles with defendant, Guggenheim married the present plaintiff. His former spouse applied to the circuit court of Cook county, Ill., where her divorce had been obtained, to have such judgment vacated. This application was denied, and she then instituted an action in the nature of a bill of review for the same purpose. The present proceeding was then brought in New York by the second Mrs. Guggenheim to restrain prosecution by the first wife of the proceedings to have the divorce decree annulled. The New York Supreme Court denies injunction on the ground that plaintiff was not a party to the proceedings in the Illinois court, and if entitled to any relief therein should apply for leave to intervene.

Violation of Game Law.—An Iowa statute provides that no person shall ship any game birds out of the state. Defendant,

in the case of State v. Carson, 126 Northwestern Reporter, 698, contended that a box of prairie chickens delivered to an express company in Iowa for transportation and delivery to a commission firm in Chicago, Ill., was not "shipped" out of the state, within the meaning of the statute, when seized by a game warden before it left the state. The Supreme Court of Iowa holds that it was to be presumed that the Legislature intended to give the word "ship" its ordinary meaning of delivery to a carrier for transportation, and that therefore defendant's delivery of the chickens to the carrier for transportation beyond the boundary of the state constituted a violation of the statute.

Public Charity Hospital Not Liable.—Because plaintiff, a pay patient in a public charity hospital, disclaimed any right of execution against any funds other than that received from pay patients, she contended that the hospital was liable for the negligence of a nurse in seriously scalding her. The Supreme Court of Pennsylvania in Gable v. Sisters of St. Francis, 75 Atlantic Reporter, 1087, holds that the argument of plaintiff overlooks the fact that every dollar received by the defendant corporation, from whatever source, is stamped with the impress of charity; that as plaintiff paid for accommodations which the hospital was enabled to provide through the use of money donated to it, the money received from pay patients was as strictly the increment of its charitable donations as would be the interest on money given it if invested on loan, and that therefore no action would lie.

Eligibility of Women to Hold Office.—The Supreme Court of Nebraska was recently confronted with the knotty question as to whether a woman was eligible to the office of county treasurer, notwithstanding the fact that under the Constitution and laws of the state she could not vote for a candidate for that office. In the election of 1909 the opposing candidates for treasurer of Cherry county, Neb., were Gertrude Jordan and Ernest B. Quible. Quible was already then in office, but his fair opponent received the majority of votes cast, and at the proper time took the oath of office and demanded possession, which was refused on the ground of her ineligibility. The lady then instituted mandamus to compel delivery of the official paraphernalia to her. The state Constitution only gives the general right of suffrage to male citizens. A statute of the state adopts so much of the common law of England as is applicable and not inconsistent with the federal and state Constitutions and statutes of the state. Judge Rose, delivering the opinion, holds that under the common law women were entitled to hold administrative offices of which they were competent to discharge the duties, and that, as there was no question raised as to rela-